



April 8, 2003

Country of Origin Labeling Program
Agricultural Marketing Service, USDA
Stop 0249
Room 2092-S
1400 Independence Ave, SW
Washington, D.C 20250-0249

Dear Sirs

The Los Angeles Salad Company is writing to you to express our deep concerns for the new country of origin labeling requirements scheduled to take effect at the end of 2004.

As a small company with a mix of both retail and foodservice produce items we process raw materials sourced from domestic as well as foreign growers. As a processor we utilize a great deal of equipment that require long production runs to be efficient. We work on pennies on the dollar because of competition as well as the demand for low cost produce from our customer base, which includes fast food establishments as well as supermarkets.

For us, the future of trying to adapt to a country of origin labeling would create a financial hardship.

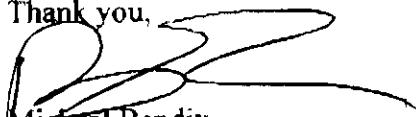
1. When we receive loads of products from domestic and foreign sources, they are tagged, lot numbers assigned and we can track our products to comply with our HACCP program. We do, however, run the products together because the production requires hours of processing to be cost-effective. If were limited to running on domestic or foreign, then we would have to stop all of the equipment, change prelabelled film on the machine and start again. This would be extremely expensive, especially if the foreign sources product was in small quantity and did not justify its own production run.
2. In regards to retail speciality business that again utilizes both domestic and offshore products, the cost of changing from one label to the next would be extremely expensive and might even force us to curtail operations. How are we expected to remain attractive to consumers if our costs increase 25-30% because

of the necessary productions issues, not to mention the paperwork trail and accounting difficulties.

3. Also in regards to retail, we many have 30% domestic product and 70% offshore product all going out in the same order. What is a retailer to think when they receive a mixed pallet of some domestic and some offshore? What is the consumer to think, one week it is domestic and one week it is product of Mexico?
4. Raw product costs are often less expensive coming from Mexico. Our pricing is based upon 6-12 month quotations. If suddenly we have to use more domestic product because of the increased costs with this country of origin labeling program, it might very well put us out of business as consumers may not be willing to pay the constant fluctuation of price changes.

While on the surface this appears to be a good idea, the implementation on small businesses such as ours could be devastating as the additional costs may very well cost us our business and put many people on the streets thus increasing unemployment especially in difficult economic times. While the need for National Security is pressing, I would suggest other means be explored that do not put the burden of this need on the backs of small businesses and farmers.

Thank you,



Michael Bendix

County Market

TOTAL DISCOUNT FOODS

April 9, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: **Comments on Guidelines for Voluntary Country of Origin Labeling Program**

Dear Secretary Veneman:

I am the Meat/Seafood Supervisor for County Market/Cub Foods. As such, I am very concerned about the country of origin labeling guidelines that you issued.

Our seafood department offers a wide variety of seafood products to consumers on a daily basis. The task of identifying the country or territorial waters in which each flesh or shell fish that we offer to consumers was caught or raised and processed is enormous. We must be able to depend on our suppliers for that information and you must hold them accountable through strict enforcement mechanisms. We cannot look at a shrimp and determine whether it was caught in U.S. territorial waters or in the waters off of Thailand; nor can we tell whether the fish was farm-raised or wild caught and, if the latter, the flag that flew on the vessel that caught the fish. The operational challenges of labeling each of those items for retail sale on a daily basis are substantial.

As you develop the regulations, please consider the following:

- Hold suppliers back to those who raise or catch seafood accountable for providing accurate information on the countries in which each stage of production occurs;
- Provide for flexible means of informing consumers of the country of origin of meat products at retail; and
- Implement reasonable recordkeeping requirements.

Please issue regulations that will allow us to continue to provide consumers with a fresh and abundant supply of seafood.

Sincerely,



Sean Guillaume
Meat/Seafood Supervisor
Niemann Foods, Inc.



April 9, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

Dear Secretary Veneman:

I am the Perishables Buyer for County Market/Cub Foods. As such, I am very concerned about the country of origin labeling guidelines that you issued.

Our produce department offers a variety of more than 250 types of fresh fruits and vegetables to consumers on a daily basis. Our produce is sourced from many countries throughout the world to ensure that consumers have high quality produce at an affordable price throughout the year. The task of identifying the country of origin as required by the law for all of these products is enormous. We cannot look at a bunch of grapes or a hand of bananas and identify the country of origin of the product. You must require our suppliers to provide us with that information and to implement systems – such as verifiable segregation plans – to ensure that the information that we receive is accurate; we must be able to rely on the information that our suppliers provide.

As you develop the regulations, please consider the following:

- Hold suppliers who are responsible for fresh and frozen fruits and vegetables at the growing, packing and processing stage accountable for providing accurate information on the countries in which each stage of production occurs;
- Provide for flexible means of informing consumers of the country of origin of fresh and frozen produce at retail; and
- Implement reasonable recordkeeping requirements.

Please issue regulations that will allow us to comply with the law without limiting our ability to continue to provide consumers with a fresh and abundant produce supply.

Sincerely,

A handwritten signature in cursive script that reads "John Bocke".

John Bocke
Perishable Buyer
Niemann Foods, Inc.

Niemann Foods, Inc.
D/B/A County Market/Cub Foods
P.O. Box C-847
Quincy, IL 62306-0847

April 7, 2003

Country Of Origin Labeling Program
Agriculture Marketing Service, USDA
Stop 0249, Room 2092-S
1400 Independence Avenue, SW
Washington, D.C. 20250-0249

Dear Sirs:

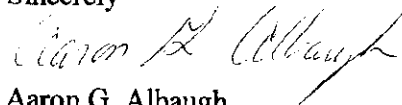
As a cow calf producer, from Northern California, I would like to ask that you please consider my comments regarding Country Of Origin Labeling.

"The United States should use its authority to require that all imported animals be permanently marked with their country of origin and that all existing documentation be kept with the animals until slaughter. The rules adopted by the USDA should establish that an animal not marked with foreign markings (ear tag, tattoo, and brand) is declared to be an animal born and raised in the United States and be eligible for the USA label. This rule would remove any burden and additional costs upon United States cattle producers who do not handle imported cattle, and it would keep the cost of COOL to a minimum for producers, processors, retailers, and ultimately the consumers".

I feel that these comments are very important to the implementation COOL. These few and small measures will place the costs and burden of proof upon those entities who import animals to the United States. The producers of legitimate USA raised beef should not be responsible for proving their beef was born and raised in the United States.

Thank you for the opportunity to make comments on this very important piece of legislation.

Sincerely



Aaron G. Albaugh

April 7, 2003

Country Of Origin Labeling Program
Agriculture Marketing Service, USDA
Stop 0249, Room 2092-S
1400 Independence Avenue, SW
Washington, D.C. 20250-0249

Dear Sirs:

As a cow calf producer, from Northern California, I would like to ask that you please consider my comments regarding Country Of Origin Labeling.

"The United States should use its authority to require that all imported animals be permanently marked with their country of origin and that all existing documentation be kept with the animals until slaughter. The rules adopted by the USDA should establish that an animal not marked with foreign makings (ear tag, tattoo, and brand) is declared to be an animal born and raised in the United States and be eligible for the USA label. This rule would remove any burden and additional costs upon United States cattle producers who do not handle imported cattle, and it would keep the cost of COOL to a minimum for producers, processors, retailers, and ultimately the consumers".

I feel that these comments are very important to the implementation COOL. These few and small measures will place the costs and burden of proof upon those entities who import animals to the United States. The producers of legitimate USA raised beef should not be responsible for proving their beef was born and raised in the United States.

Thank you for the opportunity to make comments on this very important piece of legislation.

Sincerely



Dale E. Albaugh



Phone: (217) 221-5600
Fax: (217) 221-5920

April 9, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

Dear Secretary Veneman:

I am writing in response to your request for comments on the U.S. Department of Agriculture's (USDA's) "Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts" (hereinafter Voluntary COL Guidelines).

I serve as President of a family and employee owned Company, with 86 years of serving our customers. Since 1917 we have worked hard to provide our customers, and our communities, with service, quality, and value. We have promoted and marked our perishable food products with State or Country of Origin, as we know it, all as a part of service to our customers. We always **need to know** the source and origin of products if we are able to share this information; this is not readily available.

As a food retailer, the law holds me responsible for informing consumers of the country of origin of all non-processed beef, pork, lamb, fresh and frozen fruits and vegetables, fresh and frozen seafood (for which we must also identify the method of production), and peanuts that are sold in our retail stores. Only my suppliers know the country of origin of these products. I cannot look at a hand of bananas and know whether it is from Costa Rica or Guatemala; I cannot look at a pound of shrimp and know whether it was farm-raised or wild-caught. **USDA must issue regulations that will hold suppliers responsible for giving me complete, accurate and verifiable information.**

Moreover, the requirement to keep two years of records at every retail store on the country of origin of every covered commodity is outrageous. Most of these perishable products are sold and consumed within a few days. As a relatively small retailer, I simply do not have the physical or electronic storage capacity to keep two years worth of records on the country of origin of every covered commodity in every store.

Please issue clear and reasonable regulations quickly that will allow me to comply with the law without putting me out of business or limiting my ability to continue to provide consumers with a fresh and abundant supply of food products.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Niemann Jr.", is written over a horizontal line.

Rich Niemann Jr.
President and C.O.O.
Niemann Foods, Inc.

SUPPORT CENTER:
1501 North 12th Street • P.O. Box C-847
Quincy, IL 62306

WEB SITE:
www.discountfoods.com



Butler County Farm Bureau

341 North Main, El Dorado, KS 67042
(316) 320-3166

April 2, 2003

Country of Origin Labeling Program
Agricultural Marketing Services, USDA
Stop 0249, Room 2092-S
1400 Independence Ave. SW
Washington, DC 20250-0249

Re: Docket Number LS-02-13, Establishment of Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts Under the Authority of the Agricultural Marketing Act of 1946.

Butler County Farm Bureau Association appreciates the opportunity to comment on the proposed guidelines concerning Country of Origin Labeling. The guidelines are of great concern to our members since the livestock industry is essential to our economy in Butler County.

Our members are very concerned about the required audit trail and record keeping requirements in the proposed regulation. We believe the producer record keeping requirement will be a costly and unnecessary burden on our members and strongly urge the Department to eliminate it. We would endorse the utilization of the Agricultural Market Service's Market access Program as a model certification program.

The proposed implementation timeline and deadline of September 22004 concerns Butler County Farm Bureau Association because calves born this spring and summer will fall under the mandatory labeling requirements. However, our producers have no proper guidelines and rules to follow as to record keeping requirements. They will need time to appraise their current record keeping systems and make any necessary changes.

Thank you for the opportunity to express our concerns with this important program.

Sincerely,

Linda K. Doornbos
President
Butler County Farm Bureau

Kings

April 2, 2003

Country of Origin Labeling Program
Agricultural Marketing Services
US Department of Agriculture
Stop 0249, Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

To Whom It May Concern:

I am writing to give input on the Country of Origin Labeling regulations slated to become mandatory in Autumn of 2004. In my opinion, the regulations, as they now stand, approach the point of being impossible to implement.

Kings has implemented a modern and sophisticated scale label management system that is currently wholly unable to host and support the requirements of the regulations.

The requirements to label each ingredient in a combined product such as fruit salad with country of origin, and country of processing, is entirely unrealistic given the difficulty of record keeping, space for text available on labels, and the data transmission capabilities currently available to food retailers.

If these regulations are implemented as they currently stand, the financial implications will be oppressive. These costs, as always, will be borne by our customers who will pay more for products purchased in our stores. I believe these regulations have failed to achieve proper balance between the value of COOL information to customers and the cost they will ultimately pay for the information.

The record keeping requirements at store and headquarters level combined with the compliance burden placed on retailers is not achievable without a major re-structuring of the perishable food supply chain. I urge the USDA to re-consider these regulations before they become mandatory.

Sincerely,



Jim Kuscin

Director Retail Systems & Logistical Development
Kings Super Markets
700 Lanidex Plaza
Parsippany, NJ 07054

April 2, 03

Country of Origin Labeling program
Agricultural Marketing Service
USDA, Stop 0249, Room 2092-S
14 Independence Ave. SW
Washington, DC 20250-0249

Sirs:

Having read the article about the "Country of Origin" in the 'Ag. Alert' (Mar 5, 03) I am very concerned about the importation of 2nd & 3rd quality meats & produce from other countries. Labeling for everything is what I hope for. As a consumer I will not knowingly purchase meats and produce from outside the USA. Having ~~tried~~ tried some of this, I find that the quality is not up to home grown standards.

Plus we are importing - Bovine (and human) TB, E-coli, other harmful bacteria, fruit flies & (Spain & Mexico) and who knows what else harmful to our consumers. (Maybe foot & mouth & Newcastle diseases)
I recently heard that much of Europe is planning to boycott most, or all, of the US products & produce, to protest the war in Iraq. While we are supposed to continue to buy their produce & meats.

I strongly urge you to label everything for countries of origin. I have noted that some of the store are starting to label produce & even some meats.

Sincerely

Jane Chapman

Leadore, Idaho
March 28, 2003

Country of Origin Labeling Program
Agriculture Marketing Service, USDA
Stop 0249, Room 2092-S
1400 Independence Avenue, SW
Washington, D.C. 20250-0249

Dear Sirs,

In reference to making rules in implementing mandatory Country of Origin labeling, we would like to emphasize that the purpose and goal should be to maximize benefits and protection for the U.S. producers and consumers.

All animals entering into the U.S.A. must be marked with foreign identification such as ear tags, tattoos or brands accompanied by required import documentation. This should include animals reentering the United States. Documentation of country of origin must follow the animal until processed and packaged.

All other animals should be declared to be an animal born, fed and raised in the U.S.A. and eligible for the U.S.A. label. U.S. livestock producers should not bear any cost of importation or tracking of imported animals unless he handles imports which we feel would be foolish for any producer to do. We know no cattle producer who would chance contaminating his property nor his livestock or our Nation with imports.

Government and those who want to engage in importing into the United States, should be liable for the cost of importing, tracking and protecting the U.S. producer and consumers.

As cattle producers, at the present time, are still required to pay a "Check Off" fee, which in part is used to advertise beef, we feel that until we can have mandatory Country of Origin labeling, done right, we are paying to advertise foreign imports. With Country of Origin labeling, the objective being to identify and segregate imported livestock from domestic livestock, we will be able to advertise our born, fed, processed and packaged beef labeled as a product of the U.S.A.. As most consumers prefer U.S. beef, this would be a great help to the family independent U.S. rancher as well as the consumers who surely should have the right to know.

Thank you for the opportunity to comment.

Sincerely,

Carol W. Whittaker
Calvin and Carol Whittaker
Box 10
Leadore, Idaho 83464

Cal Whittaker

3-31-03

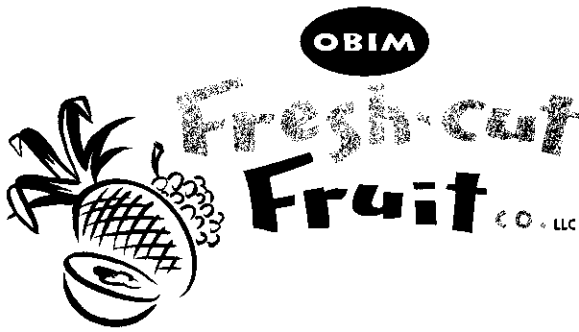
Frislie Ranch
3873 40th Ave
Laurens, MN 56135

Country of Origin Labeling Program
Agriculture Marketing Service, USDA
Stop 0249, Room 2092-S
1400 Independence Ave, SW
Washington, D.C. 20250-0249

Dear Sirs,

I am owner of a 200 hd Beef cow-calf ranch in north western Minnesota. I want Country of Origin Labeling. COOL should be kept simple. The US consumer should be told if they are buying US. beef, foreign beef or a combination of both. I have bought feeder cattle in Canada and sold them in the U.S. These cattle must go thru customs already so the paper work & Identification process could be done at this time following these cattle to market. Cattle Imported and placed in the breeding herd should be exempt.

Sincerely
Al Frislie



April 2, 2003

Country of Origin Labeling Program
Agricultural Marketing Service, USDA
Stop 0249, Room 2092-S,
1400 Independence Avenue, SW
Washington, D.C. 20250-0249

Comments in regard to: [Docket Number LS-02-13]

Establishment of Guidelines for the Interim Voluntary country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts Under the Authority of the Agricultural Marketing Act of 1946.

Dear USDA – Agricultural Marketing Service:

OBIM Fresh-cut Fruit Co., LLC respectfully submits the following comments regarding Federal Register Notice of October 8, 2002, United States Department of Agriculture-Agricultural Marketing Service, (AMS), Establishment of Guidelines for the Interim Voluntary country of Origin Labeling.

OBIM Fresh-cut Fruit, a Fort Worth, Texas, processor of fresh-cut fruits and vegetables, with its partner companies, Ready Pac Produce and Missa Bay of Irwindale, CA, Florence, NJ and Swedesboro, NJ, respectively, is the largest processor of fresh-cut fruit in the United States. We strive to be good corporate citizens in our community and are extremely concerned about getting the desired, accurate, and effective information to our end user consumers. In this regard, we would like to encourage the very careful development and implementation of the proposed COOL Guidelines. Though we have never had a request for Country of Origin on any of our raw products from any consumer, we certainly wish to be on the front end either on comments or on our ability to respond to consumer issues.

That said, we believe the emphasis should be placed on the following:

1. **Harmonization with existing FDA, PACA, and US Customs Service rules and regulations:** Much of the requirements in the COOL regulations can be addressed by simply adapting existing guidelines. We strongly recommend that the USDA COOL guidelines conform to current FDA, PACA, and U.S. Customs Service regulations. For example, FDA's manufacturer labeling requirements

(i.e. street address, city and state) should satisfy the COOL requirements for "Produce of USA" labeling. **Recommendation:** The AMS should also consider the country of origin requirements covered under other statutes, such as PACA, that allow country of origin designations on shipping documents like invoices, bills of lading, and other types of "labeling". These documents and the existing system provide sufficient notification to retailers of the country of origin of the commodity they are ordering and receiving. PACA already requires two years worth of record retention. Recognition of duplication and unnecessary redundancy of record keeping is especially important in light of the PACA provisions.

2. **Avoid over-labeling, excessive, or confusing labeling requirements:**
Identification of individual commodities by country of origin would be overly burdensome for any processor in the fresh-cut industry to implement as currently proposed. **Recommendation:** Build in overall flexibility in verbiage, font size, and location, allowing options like printing a block of information that can be accommodated with on-line printing mechanisms. In many instances, this would eliminate the need for multiple pre-printed packaging inventories. We would like the option to be able to add the information to either the existing label or to another label as the size configurations we pack in, vary greatly in size.
3. **Avoidance of unfeasible or unnecessarily burdensome labeling requirements:**
A strict reading of the regulations on labeling will impose onerous requirements. Fresh-cut package ingredient declarations are typically located on pre-printed packaging materials. Due to sourcing of various individual components from numerous countries, the COOL regulations would require us to maintain packaging inventories with an almost infinite number of versions of ingredient declarations designating the country of origin for each individual component.

Example: If an item has seven ingredients and five potential countries of origin, the combination of labels that would have to be on hand for this item alone could potentially result in some 2,250 versions of the same label! Even the simple requirement for country of origin labeling for a single-ingredient product would necessitate doubling, tripling, or quadrupling the required inventory of labels. This becomes even more burdensome if the COOL guidelines are not compatible with the regulations of our NAFTA partners.

Recommendation: We believe that requiring country of origin labeling on multi-component, multi-country of origin products is not at all feasible and an exercise in futility, effectively building in unavoidable non-compliance.

It is our belief that the existing U.S. Customs Service regulations adequately meet the expectations of the U.S. congress without adding a significant burden to the Fresh-cut industry.

Further, we believe it would be extremely helpful to have the option to indicate on the label "processed in the United States", and then to list what specific countries where produce within the container comes from, and this should be more than adequate. An example of this would be "processed in the United States with produce from Costa Rica, Mexico and the United States", as opposed to indicating singularly where each item is from and also listed by weight.

When the density of fruit changes within a pallet, it will be impossible to know the weight within the container unless each piece of fruit is weighed. The more fruit is touched, the more it is bruised. Further, the more touching or weighing of individual pieces that might occur, the much greater likelihood of contamination of fruit that may occur. It seems logical, then, that if we are providing the various countries that the fruit in the container comes from, that consumers get informed, and everyone's needs would be better served.

4. **Avoidance of potentially confusing and redundant record keeping requirements.** Use existing record keeping and tracing systems: By not using existing record keeping and tracing mechanisms, the regulation will add additional time and expense to the system, imposing additional pressures and complexity and confusion that could result in inaccuracy.

Our issue is not to debate the merits of this legislation, as it is already passed law, but to provide our comments with the possible hope that they may yet influence the regulations. One concern that we have is that product produced in another country and shipped here, merely needs an indication of "produce of Mexico" or "produce of Costa Rica" for example, though their produce may come from four or five different countries, and is thus exempt from COOL legislation. This makes us look at exporting future plant growth to outside the United States. Obviously, this was not the intention of the legislation, but to have countries outside not have to conform to the legislation, perhaps might provide an impetus to make the regulations as simple as possible both for the processor and the consumer.

Thank you kindly for listening to our comments.

Very truly yours,

A handwritten signature in cursive script that reads "Paul Janiak" with a small flourish at the end.

Paul A. Janiak
President, OBIM Fresh-cut Fruit Co., LLC

March 28, 2003

U.S.D.A:

Congress did not intend for Country of Origin Labeling to saddle producers with an unnecessary identity record-keeping system if they do not have any imported livestock on their ranch or farm.

Another simple box on a brand receipt or the checkoff receipt as to imported or USA, or sign an affidavit stating they are born and raised in USA, would be sufficient.

At present, slaughter cattle are back tagged at the sale barn and they can be traced right back to the ranch of origin with no problem. Keep it simple, if they are imported, keep the paper trail going all the way to meat counters. It should not be that difficult.

Thank you,

A handwritten signature in cursive script that reads "Daniel Maher".

Daniel Maher
9830 62nd Ave.
Morristown, S.D. 57645

Blue Sky Farms

Post Office Box 202 • Hastings, Florida 32045

(904) 692-1791 / Barn (904) 692-5938 / Fax (904) 692-2736

Attn: USDA AMS

Dear Sirs,

As a fourth generation farmer in NE Florida I strongly support country of origin labeling. American farmers have strict regulations in place that ensure confidence that ours is the safest food supply in the world. Give the American consumer the information they need to make intelligent choices and support American agriculture. Thank you for your representation.

Sincerely
Danny Johns
Danny Johns

To: - COOL Program USDA AMS
From: Morgan Roe
Subj: Producers Support Mandatory Origin Labeling

Dear - USDA AMS:

Please do not believe that the PMA speaks for the produce industry of this country with respects of the country of origin labeling issue. The PMA is largely controlled by grocery retailers and NOT producers. Producers in this country support country of origin labeling by a very large majority.

U.S. fruit and vegetable producers strongly support implementation of MANDATORY country of origin labeling, as legislated in the 2002 Farm Bill.

1. USDA should develop separate guidance and rules for perishable agricultural commodities. The 2002 farm bill calls for labeling of perishable agricultural commodities (fresh and frozen fruits and vegetables), peanuts, meats and fish. Because production and distribution systems, existing record keeping requirements, processing and other issues vary significantly among the products covered by the statute, a one-size-fits-all approach to the voluntary guidelines, and ultimately the regulations, is not appropriate. USDA should issue separate guidance and rules that ensure the most efficient and equitable approach for each product.
2. Point of purchase labeling should be simple and straightforward so long as consumers may reasonably discern the product's country of origin. Consumers should be able to readily identify the origin of covered products in a display bin or shelf. A variety of methods, such as shelf tags, chalkboards, PLU stickers, and band wraps should be allowed. No bin labeling should be required if a sufficient number of individual items are labeled so that a consumer can reasonably determine the origin of the products at the point of purchase. A simple listing of the country name, or a recognizable abbreviation, should be sufficient for compliance.
3. Labeling on a mixed or blended fruit and vegetable product package (fresh-cut salad or fruit) should simply list all countries of origin for commodities used in that particular product. It should not be necessary to list ingredient (commodity) origin by order of prominence by weight, volume or other measurement. Using the term "Product of the U.S.A. and Mexico" should be sufficient.
4. No record keeping should be required beyond the current requirements of the Perishable Agricultural Commodities Act (PACA). Persons who prepare, store, handle or distribute fruits and/or vegetables for retail sale already must keep detailed records, as required under the PACA, for two years from date of each transaction. Such sales transaction records provide ample verification of suppliers and thus provide an audit capability. The law requires persons engaged in the business of supplying a covered commodity to a retailer to provide information to the retailer

indicating the origin of the product. This can be accomplished by including origin information on the shipping container, bill of lading, shipping manifest, invoice, or other document or electronic transmission accompanying the shipment of the covered commodity. No separate record keeping requirements for these documents, beyond those already required by law, are necessary or required under the statute.

Thanks for your consideration. Please stay the course.

Sincerely,

Morgan Roe
Wm. G. Roe & Sons, Inc.
Po Box 900
Winter Haven, FL 33882

Country of Origin Labeling Program
Agricultural Marketing Service
USDA

3-23-03

Stop 0249, Room 2082-S
Washington D.C.

To whom it may concern;

I wish to make a comment about the Country of Origin Labeling Program. I'm a calf producer and have been following the developments regarding COOL.

Apparently the West Packers have shifted their approach to trying to scare producers with the idea of an elaborate record keeping system to prove that their product was in fact, born and raised where they said it was.

The simplest way to prove that an animal was born and raised in the U.S.A. is to have said fact dually recorded on the State brand inspection certificate.

In all these Western states, brand inspections are required of every animal that is shipped out of county

and/or sold. This practice and the laws that require it have been in place for 100 years more or less. It would be very simple to rebuild the forms (which are in triplicate or even 4 times) to include a simple statement that said animal was born and raised on the property in said county of said state.

Duplicate copies of this brand inspection could accompany the animals to their new owner (presumably someone who has feed to further grow or fatten the animal). The last copy of which would accompany the animal (usually a group of animals) to his last destination. At slaughter then, these carcasses would be labeled - born, raised, finished in U.S.A. or a short code meaning the same.

Our brand inspectors are chosen for their integrity as well as their skill and knowledge of reading brands.

The only real expense would be with the trader or the auction yard where animals are usually sized and graded somewhat on the hoof.

Duplicates of some brand certificates would have to be made if a group of calves is sorted into

several bunches,

It states that do not have a brand inspection service in place; they can come up with their own innovative system of identifying and recording animals' place of origin. They would naturally have to spend some money to hire people to verify the origin of animals.

By the way, the owner of livestock always pays the brand inspector for the service he provides.

Sincerely,

Rodney K Parr

Wyole, Montana 59089

Susan Nottingham
P.O. Box 50
Burns, Colorado 80425

April 8, 2003

Country of Origin Labeling Program
Agricultural Marketing Service
U.S. Department of Agriculture
Stop 0249, Room 2092-S
1400 Independence Ave. SW
Washington, D.C. 20250-0249

RE: Federal Register October 11, 2002 (Vol. 7#19) Docket Number LS-02-13
Establishment of Guidelines of the Interim Voluntary Country of Origin Labeling
Of beef

Gentlemen:

Thank you for the opportunity to submit the following comments on the above captioned Federal Register Notice.

I have been a supporter of country of origin labeling (COOL) for food products, particularly beef. Reasons for this support include public polling data that indicated that consumers in Colorado want to know where their food comes from and they are willing to pay more for a US or Colorado product. Perhaps even more important is the diminishing return of my operation is receiving regardless of the steps I take to enhance production and cut expenses.

The driving force behind the support of COOL was a desperate attempt to find a way to stay in business. Turning to the government for such aid has rarely provided relief in the past and it does not appear that this case will be any different. American cattle producers envisioned a program that would label foreign product coming into the United States, thus indicating that all other product was American. They were adamant that they would not be required to individually identify their animals. That message was heard clearly by Congress, who passed the COOL legislation with provision specifically prohibiting mandatory identification.

Based on the Voluntary Guidelines published in the Federal Register on October 11, 2002, apparently the U>S> Department of Agriculture (USDA) believes otherwise, using language in the law stating that, "The Secretary **may require**..." maintenance of a "verifiable record keeping audit trail" to justify language in the guidelines (see 3. record keeping, page 63374) stating that, "any person... **must maintain** auditable records documenting the origin of covered commodities."

I respectfully request that the Secretary reconsider this provision. Had congress stated that the Secretary **shall require**, there would be foundation for the language contained in the guidelines. However, that is not what congress mandated.

The record keeping provisions go yet another step beyond congressional direction in stating, "Self-certification by such persons is not sufficient." What is the rationale for this requirement? How and/or why is it not sufficient?

It was pointed out by a USDA official at a recent meeting on Cool that a federal requirement of an audit trail was nothing new. The Internal Revenue Service (IRS) has been requiring an audit trail for some time. That true statement raises two issues. First, are we to view the USDA in the same light and as an agency that holds the same heavy hand as the IRS?

Second, the IRS accepts self-certification. American taxpayers are not required to provide third-party verification even by the IRS. If a signature is adequate for the IRS, why is it not so for the USDA. Additionally, self-certified declarations are routinely accepted by the federal court system. Does the USDA view livestock producer in the United States more critically than the IRS or the federal courts.

I respectfully request that the Secretary reconsider this provision. Self-certification is sufficient to document origin.

The guidelines refer to the Secretary's ability to use "model certification programs in existence on the date of enactment." Are there model programs being used for these guidelines? If so, what programs are they? What provisions do they contain? What is the justification for those provisions?

Under the voluntary program, USDA "has determined that state and regional labeling programs...do not meet" the requirements of the COOL law. How was that determination made. If the goal of COOL is to label origin and covers the 50 United States, why doesn't a label from one of those states adequately notify consumers of the country of origin?

It has been disappointing to see the uproar that has been created in the media by USDA estimates of the cost of the COOL program, especially considering that USDA is mandating many of those costs. There was not the spirit, the intent or the letter of the law passed by Congress.

It is also disappointing to see the tactics of fear and intimidation that are being used in the market place, such as letters from packers to producers detailing what they will not purchase at any price. Today, one hears that the mandatory identification will not be governmentally mandated, but will be market driven. The "market" could not drive this issue without the aide of the USDA.

In summary, the voluntary guidelines issued for COOL do not meet the spirit, intent or the letter of the legislation passed by Congress. I respectfully request that USDA go back to the drawing board and remove the provisions mentioned previously.

Thank you in advance for your cooperation and attention. I look forward to answers to the many questions the voluntary guidelines have created.

Sincerely,

A handwritten signature in cursive script that reads "Susan Nottingham". The signature is fluid and elegant, with a large initial 'S' and a long, sweeping underline.

Susan Nottingham

Nottingham Ranch Company
P.O. Box 09
Burns, Colorado 80425

April 8, 2003

Country of Origin Labeling Program
Agricultural Marketing Service
U.S. Department of Agriculture
Stop 0249, Room 2092-S
1400 Independence Ave. SW
Washington, D.C. 20250-0249

RE: Federal Register October 11, 2002 (Vol. 7#19) Docket Number LS-02-13
Establishment of Guidelines of the Interim Voluntary Country of Origin Labeling
Of beef

Gentlemen:

Thank you for the opportunity to submit the following comments on the above captioned Federal Register Notice.

I have been a supporter of country of origin labeling (COOL) for food products, particularly beef. Reasons for this support include public polling data that indicated that consumers in Colorado want to know where their food comes from and they are willing to pay more for a US or Colorado product. Perhaps even more important is the diminishing return of my operation is receiving regardless of the steps I take to enhance production and cut expenses.

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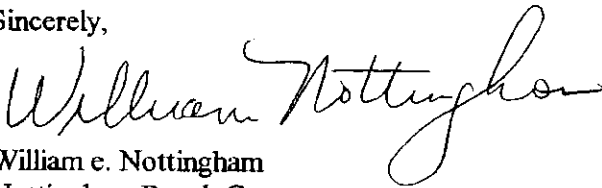
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In summary, the voluntary guidelines issued for COOL do not meet the spirit, intent or the letter of the legislation passed by Congress. I respectfully request that USDA go back to the drawing board and remove the provisions mentioned previously.

Thank you in advance for your cooperation and attention. I look forward to answers to the many questions the voluntary guidelines have created.

Sincerely,

A handwritten signature in cursive script that reads "William Nottingham". The signature is written in dark ink and is positioned above the printed name.

William e. Nottingham
Nottingham Ranch Co.

AMERICAN MUSHROOM INSTITUTE



One Massachusetts Avenue, N.W., Suite 800, Washington, DC 20001-1401 • Phone (202) 842-4344 Fax (202) 408-7763

April 8, 2003

Country of Origin Labeling Program
Agricultural Marketing Service
U.S. Department of Agriculture
Stop 0249, Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

To Whom It May Concern:

These comments are provided on behalf of the American Mushroom Institute, a national trade association representing the growers, shippers, and processors of cultivated mushrooms in the United States, as well as suppliers to the industry.

In developing regulations to implement Sec. 281 of the Agriculture Marketing Act of 1946 (7USC1621 et seq.) as amended by Sec. 10816 of the Farm Security and Rural Investment Act of 2002 (PL 107-171), we urge you to keep in mind the Congressional intent which is to provide consumers at the retail level with information as to the origin of the foods they purchase. We support this effort to provide consumers with as much information as possible about their food choices.

We endorse comments submitted by United Fresh Fruit and Vegetable Association, the International Fresh-cut Produce Association and the Product Marketing Association regarding the unnecessary complexity of the recordkeeping requirements in the voluntary guidelines. Regardless of other commodities covered by this Act, perishable agricultural commodities already operate under the Perishable Agricultural Commodities Act (PACA) with a recordkeeping requirement of two years (7CFR46.14). Therefore, the mandatory regulations should explicitly state that compliance with PACA also fulfills the recordkeeping requirements of this law.

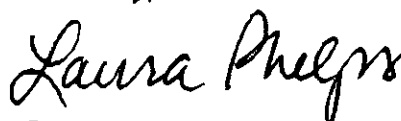
While this may have been the intent of USDA, the guidelines are not clearly written, on this point and others. The decision to write guidelines that attempt to describe the obligations of producers from such disparate commodities as peanuts, seafood, beef and produce has spawned confusion and has complicated what, for perishable agricultural commodities, should seem familiar and reasonable. We strongly urge the Department to separately address the requirements for the various covered commodities so that all who produce, trade or sell those food items will know their legal duty.

With regards to "markings," we would recommend that retailers have ample latitude in the form of signs or placards for bulk displays. Consumers want a wide range of options from packaged products to loose items they can choose for themselves and these regulations should not add a burden to the retailer whereby these choices would be limited.

In sum, this law imposes obligations on links in the marketing chain. The penalties that retailers face will likely also end up as a shared responsibility of growers, packers, shippers and retailers. Accordingly, it is imperative that USDA provides rules that are clear and consistent with existing laws and practices.

We appreciate this opportunity to provide our views.

Sincerely,

A handwritten signature in black ink that reads "Laura Phelps". The signature is written in a cursive, flowing style.

Laura Phelps
President

LUND FOOD HOLDINGS, INC.



April 9, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

Dear Secretary Veneman:

I am writing in response to your request for comments on the U.S. Department of Agriculture's (USDA's) "Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts" (hereinafter Voluntary COL Guidelines). I am the General Manager for the Eagan Byerly's for Lund Food Holdings, Inc.

As a food retailer, the law holds me responsible for informing consumers of the country of origin of all non-processed beef, pork, lamb, fresh and frozen fruits and vegetables, fresh and frozen seafood (for which we must also identify the method of production), and peanuts that are sold in our retail stores. Only my suppliers know the country of origin of these products. I cannot look at a hand of bananas and know whether it is from Costa Rica or Guatemala; I cannot look at a pound of shrimp and know whether it was farm-raised or wild-caught. **USDA must issue regulations that will hold suppliers responsible for giving me complete, accurate and verifiable information.**

Moreover, the requirement to keep two years of records at every retail store on the country of origin of every covered commodity is outrageous. Most of these perishable products are sold and consumed within a few days. As a relatively small retailer, I simply do not have the physical or electronic storage capacity to keep two years worth of records on the country of origin of every covered commodity in every store.

Please issue clear and reasonable regulations quickly that will allow me to comply with the law without putting me out of business or limiting my ability to continue to provide consumers with a fresh and abundant supply of food products.

Sincerely,

Dave Jones
General Manager
Lund Food Holdings, Inc.

Richland Creek Foods
313 W. High St.
P.O. Box 39
Orangeville, IL 61060

April 9, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

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The operational challenges of labeling each of these items for retail sale on a daily basis are just enormous, if not impossible.

Moreover, the requirement to keep two years of records at every retail store on the country of origin of every covered commodity is outrageous. Most of these perishable products are sold and consumed within a few days. I simply do not have the physical or electronic storage capacity to keep two years worth of records on the country of origin of every covered commodity in every store.

Please issue clear and reasonable regulations that will allow me to comply with the law without putting me out of business or limiting my ability to continue to provide consumers with a fresh and abundant supply of food products.

Sincerely,

Naman J. Aurand, owner
Richland Creek Foods

BUTERA FINER FOODS

TEL. (847) 741-1010

1 CLOCK TOWER PLAZA
ELGIN, ILLINOIS 60120

FAX (847) 741-9674

April 9, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

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Sincerely,



(3)

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

Dear Secretary Veneman:

On behalf of Save Mart Supermarkets we are pleased to respond to your request for comments on the U.S. Department of Agriculture's (USDA's) "Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts" (hereinafter Voluntary COL Guidelines). Save Mart Supermarkets, a California Corporation, is an independently owned Supermarket chain doing business as, Save Mart Supermarkets, S-Mart Foods and Food Maxx. The corporation was founded in Modesto California in 1952. We own and operate 116 stores in the state of California. We provide employment for over 8,500 people.

Save Mart supports voluntary country of origin labeling programs. For example, we participate in the "Buy California" campaign, and we list the origin of products in our weekly ad, when we have the information from supplier's, IE: California Grown Oranges, Idaho Potatoes, Alaskan Seafood, New Zealand Kiwi, Grapes from Chili, etc. We have an extensive consumers comment program with a toll free consumer line and pre-stamped comment cards in all of our stores. Over the years we have received hundreds of thousands of comments cards and toll free calls with very few (under 100) seeking country of origin information.

Although we appreciate your efforts in fulfilling the Congressional mandate to provide Voluntary COL Guidelines, we do not believe that they represent a workable system, particularly now when the information that they require us to provide to consumers is not available for significant covered commodities and USDA stated that "when retailers . . . choose to adopt the guidelines that all of the provisions contained within must be followed."

As you develop the proposed and final regulations, we urge you to consider the following issues:

- **Clear recognition of overall food chain responsibilities:**

The law requires retailers to provide consumers with information that retailers can only obtain from their suppliers. Given this fact, the law also holds suppliers accountable for providing information to retailers.

USDA's Voluntary COL Guidelines properly recognize that the entire food chain must bear responsibility for a country of origin labeling program if consumers are to receive accurate country of origin information as Congress defined it. In furtherance of this principle, the Voluntary COL Guidelines state that producers, growers, handlers, packers, processors and importers must maintain auditable records documenting the origin of covered commodities and that these persons must make country of origin information available to retailers. USDA's regulations must also recognize the obligations that these parties share and must further hold them accountable through stringent enforcement measures to ensure that retailers have accurate information to provide to consumers.

The Honorable Ann Veneman
April 9, 2003
Page 2

- Flexible Methods of Country of Origin Notification:

The statute allows country of origin information to be provided by means of a "label, stamp, mark, placard or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers." The Guidelines generally follow the statute and further provide that the information must be "conspicuous," and either typed, printed or handwritten.

We urge the Secretary to maintain flexibility regarding the ways in which we satisfy our statutory obligation to inform consumers of the country of origin of covered commodities. Furthermore, USDA should expressly recognize that country of origin information can be considered "conspicuous" even if it is a label placed on the back of a random weight package. The country of origin declaration for hamburger as explained in the Voluntary COL Guidelines could cover a substantial amount of the product if it was required to appear on the front of the package with all of the other federally mandated labeling. (Some countries limit the amount of package surface that may be covered to avoid concealing products from consumers.) Accordingly, provided that the information is presented to consumers in a manner in which they can readily find it, the information should be considered conspicuous and our obligation met. Indeed, since the statute can be satisfied by providing a sign at the store, to the extent that the information is affixed anywhere on the package, it will be available to the consumer for a greater period of time.

- Reasonable recordkeeping:

The Voluntary COL Guidelines require every person engaged in the business of supplying a covered commodity for retail sale to keep records on the country of origin of the covered commodity for two years. Basic records must be kept at store level; contracts and other more detailed records may be kept at warehouses or corporate headquarters.

Retailers should not be required to keep two years worth of records for covered commodities. Most covered commodities will be sold and consumed well before two years has elapsed, thus retaining records for this period of time at the retail level will serve no useful purpose while incurring substantial cost.

Records required should be reasonable. Retailers have no control over the country of origin determination, which must be made well before the food product reaches the retail grocer's control. Accordingly, the records retailers are required to keep must only connect the covered commodity to those who made the country of origin determination.

- Recognition of food service aspects of grocery stores:

In keeping with the current state of the industry, Save Mart Supermarkets include a variety of options for satisfying consumer demands. In addition to the customary grocery sections, such as produce, meat and general grocery, Save Mart offers consumers prepared foods at delis.

The Guidelines state that the term "food service establishment" includes salad bars, delis and other prepared food enterprises that provide ready-to-eat foods that are consumed either on or outside of the retailer's premises. We urge USDA to continue to recognize that foods provided from these venues within the retail store are properly considered subject to the statute's exemption from country of origin labeling for food service establishments. Trays of cut vegetables from our deli, fruit salad sold at delis or throughout the store is all prepared at food service.

The Honorable Ann Veneman

April 9, 2003

Page 3

Different retail stores will have covered commodities with different country of origin declarations. For example, we may have strawberries from four different countries (e.g., U.S., Chile, Canada and Venezuela) at our warehouse that will get distributed to several hundred different stores. The scenario could be repeated for bananas, grapes, tomatoes and most of the other perishable produce that we offer to consumers, not to mention the meat and seafood products. Even if we told consumers what all of the possible options for each covered commodity were based on what was available through our distribution center at any one time – a situation that changes on a daily basis – and allowed the consumer to choose, the choices would not reflect what was at the individual stores that would be shopped for the individual consumer.

• Reasonable enforcement standards:

Retailers are subject to penalties of up to \$10,000 per "willful" violation of the statute. USDA's regulations should recognize this standard in two important respects.

First, USDA should recognize that if the majority of individual covered commodity items bear a label indicating the product's country of origin, the retailer has met the statute's requirement to inform the consumer of the country of origin of that covered commodity. For example, one efficient way to ensure that consumers receive accurate country of origin information on some covered commodities, such as produce, is for suppliers to sticker the individual items with country of origin information. However, given the nature of some items as well as adhesive efficacy, not all covered commodities will be stickered.

For example, suppliers currently apply one or two stickers to a hand of bananas that may be comprised of six or seven individual bananas. Consumers frequently separate individual bananas from the "hands" in which they were shipped so that not all hands will be labeled throughout the display, even if the supplier labeled each hand when they were shipped. Similarly, although the technology for label adhesives has improved, no label adhesive is effective 100% of the time. Therefore, USDA should recognize that, if the majority of covered commodity items on display bears country of origin labels, the retailer has met its obligation to inform the consumer of the country of origin of the covered commodity and has not willfully violated the statute, even if some covered commodities in the display do not bear a label.

Second, USDA should expressly recognize in the regulations and the preamble some circumstances under which retailers will not be considered to have violated the statute willfully. For example, USDA should state that the Agency will not conclude that a retailer has willfully violated the statute for providing inaccurate country of origin information for a covered commodity if the retailer has the results of an audit that the covered commodity supplier obtained from USDA (under the voluntary, user fee-based program proposed in the Voluntary COL Guidelines) or another third party that demonstrates that the supplier has a system for determining country of origin upon which the retailer may reasonably rely.

• Prompt issuance of regulations:

Finally, we urge you to conduct the rulemaking promptly and efficiently. Section 285 of the statute states that the provision "shall apply to the retail sale of a covered commodity beginning September 30, 2004." Since we are required to set up significant systems to obtain the necessary information from our suppliers, to provide the information to consumers, and then to retain the information, we must know what those systems must accommodate as quickly as possible.

We appreciate your attention to our concerns and urge you to develop the regulations as expeditiously as possible.

Sincerely,



Cecil Russell
Vice President Marketing/Merchandising
Save Mart Supermarkets



Art Patch
Vice President Operations
Save Mart Supermarkets

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

Dear Secretary Veneman:

On behalf of Save Mart Supermarkets we are pleased to respond to your request for comments on the U.S. Department of Agriculture's (USDA's) "Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts" (hereinafter Voluntary COL Guidelines). Save Mart Supermarkets, a California Corporation, is an independently owned Supermarket chain doing business as, Save Mart Supermarkets, S-Mart Foods and Food Maxx. The corporation was founded in Modesto California in 1952. We own and operate 116 stores in the state of California. We provide employment for over 8,500 people.

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Although we appreciate your efforts in fulfilling the Congressional mandate to provide Voluntary COL Guidelines, we do not believe that they represent a workable system, particularly now when the information that they require us to provide to consumers is not available for significant covered commodities and USDA stated that "when retailers . . . choose to adopt the guidelines that all of the provisions contained within must be followed."

As you develop the proposed and final regulations, we urge you to consider the following issues:

- **Clear recognition of overall food chain responsibilities:**

The law requires retailers to provide consumers with information that retailers can only obtain from their suppliers. Given this fact, the law also holds suppliers accountable for providing information to retailers.

USDA's Voluntary COL Guidelines properly recognize that the entire food chain must bear responsibility for a country of origin labeling program if consumers are to receive accurate country of origin information as Congress defined it. In furtherance of this principle, the Voluntary COL Guidelines state that producers, growers, handlers, packers, processors and importers must maintain auditable records documenting the origin of covered commodities and that these persons must make country of origin information available to retailers. USDA's regulations must also recognize the obligations that these parties share and must further hold them accountable through stringent enforcement measures to ensure that retailers have accurate information to provide to consumers.

D'AGOSTINO SUPERMARKETS

1385 BOSTON POST ROAD • LARCHMONT, NEW YORK 10538
TELEPHONE 914-833-4000

April 8, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

Dear Secretary Veneman:

On behalf of D'Agostino Supermarkets, Inc., we are pleased to respond to your request for comments on the U.S. Department of Agriculture's (USDA's) "Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts" (hereinafter Voluntary COL Guidelines).

D'Agostino operates 23 supermarkets in the New York Metropolitan area. Three stores are in Westchester County, but twenty stores are in New York City – one store in Riverdale, two in Brooklyn and seventeen stores on the island of Manhattan. The company was founded in 1932 by two Italian immigrant brothers and has remained family-owned and operated for over 70 years. It is now headed by the second and third generation of the D'Agostino family. D'Agostino is the last family owned and operated supermarket chain in New York City.

D'Agostino has a long history of supporting voluntary country of origin labeling programs. We offer our customers U.S. beef as well as Australian beef. In the seafood section, you could find mussels from Maine and lobsters from Brazil. To meet consumer demand, produce is sourced from around the world following the growing seasons that enable our markets to provide nearly any fruit or vegetable desired on a year round basis. We work with our suppliers and growers on special programs that promote both commodities from the US as well as international products. The growers and suppliers provide us with the information we need to deliver consumer information to our customers about the products we sell.

To create a country of origin labeling for the entire seafood, meat and produce departments, we estimate we will spend approximately \$5,000 a store. That would mean an initial start up cost of \$115,000 and does not include "upkeep costs". The perishable departments are areas of the store where signage is easily damaged because of moisture, cleaning procedures and the constant turnover of products. Maintenance will be costly.

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- Flexible Methods of Country of Origin Notification:

The statute allows country of origin information to be provided by means of a "label, stamp, mark, placard or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers." The Guidelines generally follow the statute and further provide that the information must be "conspicuous," and either typed, printed or handwritten.

We urge the Secretary to maintain flexibility regarding the ways in which we satisfy our statutory obligation to inform consumers of the country of origin of covered commodities. Furthermore, USDA should expressly recognize that country of origin information can be considered "conspicuous" even if it is a label placed on the back of a random weight package. The country of origin declaration for hamburger as explained in the Voluntary COL Guidelines could cover a substantial amount of the product if it was required to appear on the front of the package with all of the other federally mandated labeling. (Some counties limit the amount of package surface that may be covered to avoid concealing products from consumers.) Accordingly, provided that the information is presented to consumers in a manner in which they can readily find it, the information

should be considered conspicuous and our obligation met. Indeed, since the statute can be satisfied by providing a sign at the store, to the extent that the information is affixed any where on the package, it will be available to the consumer for a greater period of time.

- Reasonable recordkeeping:

The Voluntary COL Guidelines require every person engaged in the business of supplying a covered commodity for retail sale to keep records on the country of origin of the covered commodity for two years. Basic records must be kept at store level; contracts and other more detailed records may be kept at warehouses or corporate headquarters.

Retailers should not be required to keep two years worth of records for covered commodities. Most covered commodities will be sold and consumed well before two years has elapsed, thus retaining records for this period of time at the retail level will serve no useful purpose while incurring substantial cost.

Records required should be reasonable. Retailers have no control over the country of origin determination, which must be made well before the food product reaches the retail grocer's control. Accordingly, the records retailers are required to keep must only connect the covered commodity to those who made the country of origin determination. Retailers should also be able to keep these records at a central location, not a store level. Our stores are very small – approximately 7500 square feet with no room for record keeping facilities. Records would be better maintained and more easily accessed at our headquarters.

- Recognition of food service aspects of grocery stores:

In keeping with the current state of the industry, D'Agostino stores include a variety of options for satisfying consumer demands. In addition to the customary grocery sections, such as produce, meat and general grocery, D'Agostino offers consumers prepared foods at delis, salad bars, through catering, and other venues.

The Guidelines state that the term "food service establishment" includes salad bars, delis and other prepared food enterprises that provide ready-to-eat foods that are consumed either on or outside of the retailer's premises. We urge USDA to continue to recognize that foods provided from these venues within the retail store are properly considered subject to the statute's exemption from country of origin labeling for food service establishments. Trays of cut vegetables from our catering operations, fruit salad sold at delis or throughout the store, and foods provided at our salad bars are all prepared at food service.

- “Final point of sale” should be receipt for Internet sales:

The statute requires retailers to provide consumers with country of origin information on covered commodities at the final point of retail sale. In the Voluntary COL Guidelines, USDA interprets this to require the retailer to provide country of origin information on the sale vehicle, such as the internet site. The basis for this is the “Agency’s belief that consumers must be made aware of the country of origin of the covered commodity before the purchase is made.”

This approach is not required by law and would literally require us to overhaul our entire electronic food delivery system. Specifically, we fulfill consumers internet orders by having “shoppers” at our individual retail grocery stores select the items that were ordered electronically by the consumer. Different retail stores will have covered commodities with different country of origin declarations. For example, we may have strawberries from four different countries (e.g., U.S., Chile, Canada and Venezuela) at our warehouse that will get distributed to several hundred different stores. The scenario could be repeated for bananas, grapes, tomatoes and most of the other perishable produce that we offer to consumers, not to mention the meat and seafood products. Even if we told consumers what all of the possible options for each covered commodity were based on what was available through our distribution center at any one time – a situation that changes on a daily basis – and allowed the consumer to choose, the choices would not reflect what was at the individual stores that would be shopped for the individual consumer.

Accordingly, for purposes of remote sales, retailers should be allowed to satisfy their obligation to inform consumers of the country of origin of covered commodities by providing information to the consumer at the time the food is delivered to the consumer.

- Reasonable enforcement standards:

Retailers are subject to penalties of up to \$10,000 per “willful” violation of the statute. USDA’s regulations should recognize this standard in two important respects.

First, USDA should recognize that if the majority of individual covered commodity items bear a label indicating the product’s country of origin, the retailer has met the statute’s requirement to inform the consumer of the country of origin of that covered commodity. For example, one efficient way to ensure that consumers receive accurate country of origin information on some covered commodities, such as produce, is for suppliers to sticker the individual items with country of origin information. However, given the nature of some items as well as adhesive efficacy, not all covered commodities will be stickered.

For example, suppliers currently apply one or two stickers to a hand of bananas that may be comprised of six or seven individual bananas. Consumers frequently separate individual bananas from the "hands" in which they were shipped so that not all hands will be labeled throughout the display, even if the supplier labeled each hand when they were shipped. Similarly, although the technology for label adhesives has improved, no label adhesive is effective 100% of the time. Therefore, USDA should recognize that, if the majority of covered commodity items on display bears country of origin labels, the retailer has met its obligation to inform the consumer of the country of origin of the covered commodity and has not willfully violated the statute, even if some covered commodities in the display do not bear a label.

Second, USDA should expressly recognize in the regulations and the preamble some circumstances under which retailers will not be considered to have violated the statute willfully. For example, USDA should state that the Agency will not conclude that a retailer has willfully violated the statute for providing inaccurate country of origin information for a covered commodity if the retailer has the results of an audit that the covered commodity supplier obtained from USDA (under the voluntary, user fee-based program proposed in the Voluntary COL Guidelines) or another third party that demonstrates that the supplier has a system for determining country of origin upon which the retailer may reasonably rely.


- Prompt issuance of regulations:

Finally, we urge you to conduct the rulemaking promptly and efficiently. Section 285 of the statute states that the provision "shall apply to the retail sale of a covered commodity beginning September 30, 2004." Since we are required to set up significant systems to obtain the necessary information from our suppliers, to provide the information to consumers, and then to retain the information, we must know what those systems must accommodate as quickly as possible.

* * *

We appreciate your attention to our concerns and urge you to develop the regulations as expeditiously as possible.

Sincerely,



Mary S. Moore
Director, Public Affairs

April 9, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

Dear Secretary Veneman:

I am writing in response to your request for comments on the U.S. Department of Agriculture's (USDA's) "Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts" (hereinafter Voluntary COL Guidelines). I am the Public Affairs Director for BI-LO Supermarkets, a 300 store chain in the Carolinas, Georgia and Tennessee. It will be my job to communicate with the media in the very likely instance when our store management have problems with compliance.

As a food retailer, the law holds BI-LO responsible for informing consumers of the country of origin of all non-processed beef, pork, lamb, fresh and frozen fruits and vegetables, fresh and frozen seafood (for which we must also identify the method of production), and peanuts that are sold in our retail stores. Only our suppliers know the country of origin of these products. We cannot look at a hand of bananas and know whether it is from Costa Rica or Guatemala; we cannot look at a pound of shrimp and know whether it was farm-raised or wild-caught. **USDA must issue regulations that will hold suppliers responsible for giving me complete, accurate and verifiable information.**

Moreover, the requirement to keep two years of records at every retail store on the country of origin of every covered commodity is outrageous. Most of these perishable products are sold and consumed within a few days. As a relatively small retailer, I simply do not have the physical or electronic storage capacity to keep two years worth of records on the country of origin of every covered commodity in every store.

Please issue clear and reasonable regulations quickly that will allow me to comply with the law without putting me out of business or limiting my ability to continue to provide consumers with a fresh and abundant supply of food products.

Sincerely,



Joyce M. Smart
Director Public Affairs
BI-LO, LLC

April 9, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

Dear Secretary Veneman:

I am the Vice President of a meat department for BI-LO, LLC. As such, I am very concerned about the country of origin labeling guidelines that you issued.

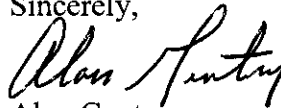
Our meat department offers 212 beef, 15 lamb, 9 veal, 150 pork and 30 ground meat items to consumers on a daily basis. The task of identifying the country in which the underlying animal or animals for each of those products was born, raised and slaughtered is enormous. We must be able to depend on our suppliers for that information and you must hold them accountable through strict enforcement mechanisms. We cannot look at a package of hamburger and determine whether the cow was born and raised in Canada or born in the U.S. and raised in Canada or born, raised and slaughtered in the U.S. Moreover, the operational challenges of labeling each of those items for retail sale on a daily basis are substantial.

As you develop the regulations, please consider the following:

- Hold suppliers who are responsible for cattle, hogs and lamb at birth, feeding and slaughter accountable for providing accurate information on the countries in which each stage of production occurs;
- Provide for flexible means of informing consumers of the country of origin of meat products at retail; and
- Implement reasonable recordkeeping requirements.

Please issue regulations that will be simple to follow and to implement.

Sincerely,



Alan Gentry
Vice President of Meat Marketing
BI-LO, LLC.

April 9, 2003

The Honorable Ann Veneman
Secretary, U.S. Department of Agriculture
Country of Origin Labeling Program
Agricultural Marketing Service
Stop 0249 Room 2092-S
1400 Independence Avenue, SW
Washington, DC 20250-0249

Re: Comments on Guidelines for Voluntary Country of Origin Labeling Program

Dear Secretary Veneman:

I am the Director of a produce department for BI-LO, LLC. As such, I am very concerned about the country of origin labeling guidelines that you issued.

Our produce department offers 400 types of fresh fruits and vegetables to consumers on a daily basis. Our produce is sourced from many countries throughout the world to ensure that consumers have high quality produce at an affordable price throughout the year. The task of identifying the country of origin as required by the law for all of these products is enormous. We cannot look at a bunch of grapes or a hand of bananas and identify the country of origin of the product. You must require our suppliers to provide us with that information and to implement systems – such as verifiable segregation plans – to ensure that the information that we receive is accurate; we must be able to rely on the information that our suppliers provide.

As you develop the regulations, please consider the following:

- Hold suppliers who are responsible for fresh and frozen fruits and vegetables at the growing, packing and processing stage accountable for providing accurate information on the countries in which each stage of production occurs;
- Provide for flexible means of informing consumers of the country of origin of fresh and frozen produce at retail; and
- Implement reasonable recordkeeping requirements.

Please issue regulations that will allow us to comply with the law without limiting our ability to continue to provide consumers with a fresh and abundant produce supply.

Sincerely,



Joe Sanfilippo
Director Produce Marketing/Procurement
BI-O, LLC.



TO:

USDA AMS

From:

T. Wayne Maulden Sr. FAX #, 863-465-3034

LAKE PLACID GROVES, LLC

Date and Time 4/8/03

Number of Pages 1
including this cover page.

If you have any problems or questions regarding this transmission,
please call

863-465-2511

MY COMMENT REGARDING MANDATORY COUNTRY OF ORIGIN
LABELLING IS WE ARE TOTALLY IN FAVOR OF IT.

T. Wayne Maulden Sr.
Gen Mgr.
